



February 19, 2003

HOUSE BILL No. 1482

DIGEST OF HB 1482 (Updated February 18, 2003 12:36 PM - DI 47)

Citations Affected: IC 8-6; IC 9-21.

Synopsis: Abandoned railroad crossings. Requires the Indiana department of transportation, upon request, to determine whether a railroad grade crossing is abandoned or unused. Requires designated crossings to be marked with a "tracks out of service" sign. Specifies that the law requiring school buses and certain other vehicles to stop and proceed in a certain manner at railroad crossings does not apply to a crossing marked with a "tracks out of service" sign. Establishes a procedure to be followed to change the signs at a crossing that again becomes operational.

Effective: July 1, 2003.

Stevenson, Ruppel

January 15, 2003, read first time and referred to Committee on Interstate and International Cooperation.
February 18, 2003, amended, reported — Do Pass.

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HB 1482—LS 7218/DI 92+



February 19, 2003

First Regular Session 113th General Assembly (2003)

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 2002 Regular or Special Session of the General Assembly.

HOUSE BILL No. 1482

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 8-6-15 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2003]:

4 **Chapter 15. Abandoned and Unused Crossings**

5 **Sec. 1. The department shall determine whether a railroad**
6 **grade crossing is abandoned or unused after receiving a request for**
7 **the determination from:**

8 **(1) the railroad; or**

9 **(2) the state highway district or local road authority that has**
10 **jurisdiction over the roadway.**

11 **Sec. 2. The department shall designate an abandoned or unused**
12 **railroad grade crossing under IC 9-21-12-5.**

13 **Sec. 3. An abandoned or unused railroad grade crossing**
14 **designated under section 2 of this chapter must be marked with**
15 **signs reading "tracks out of service". The signs must:**

16 **(1) be posted and maintained by the department or the local**
17 **road authority having jurisdiction over the roadway; and**

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1 **(2) be in conformance with the Indiana Manual on Uniform**
 2 **Traffic Control Devices for Streets and Highways as adopted**
 3 **under IC 9-21-2-1.**

4 **Sec. 4. (a) The railroad shall provide the department and the**
 5 **local road authority having jurisdiction over a roadway with**
 6 **written notice at least thirty (30) days prior to resuming operation**
 7 **over an abandoned or unused railroad crossing. The notice must**
 8 **include a request that the signs posted under section 3 of this**
 9 **chapter be removed from the crossing.**

10 **(b) After removal of the signs under subsection (a), the railroad**
 11 **shall mark the railroad grade crossing for six (6) months with signs**
 12 **reading "train traffic resumed -- tracks in service".**

13 SECTION 2. IC 9-21-12-5 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5. (a) This section does
 15 not apply to the following:

16 (1) A street railway grade crossing within a business or residence
 17 district.

18 (2) Abandoned or unused ~~tracks.~~ **railroad grade crossings that**
 19 **are:**

20 **(A) designated by the Indiana department of**
 21 **transportation under IC 8-6-15-2; and**

22 **(B) marked with a "tracks out of service" sign that**
 23 **complies with the requirements of IC 8-6-15-3.**

24 (b) A person who drives:

25 (1) a motor vehicle carrying passengers for hire;

26 (2) a school or private bus that is carrying passengers; or

27 (3) a vehicle carrying explosive substances or flammable liquids
 28 as a cargo or part of a cargo;

29 shall, before crossing at grade a track of a railroad, stop the vehicle not
 30 more than fifty (50) feet and not less than fifteen (15) feet from the
 31 nearest rail of the railroad.

32 (c) While stopped in accordance with subsection (b), the person
 33 shall do the following:

34 (1) Listen through an open window or door.

35 (2) Look in both directions along the track for an approaching
 36 train and for signals indicating the approach of a train.

37 (3) Not proceed until the person can proceed safely.

38 After stopping the person shall cross only in a gear of the vehicle so
 39 there will be no necessity for changing gears while traversing the
 40 crossing. The person who drives the vehicle may not shift gears while
 41 crossing the track or tracks.

42 (d) If a police officer or traffic control signal directs traffic to



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1 proceed at a railroad crossing, the person who drives a vehicle subject
2 to this section shall proceed in accordance with the instructions of the
3 police officer or traffic control signal.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Interstate and International Cooperation, to which was referred House Bill 1482, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 5 through 6, begin a new paragraph and insert:

"Sec. 1. The department shall determine whether a railroad grade crossing is abandoned or unused after receiving a request for the determination from:

(1) the railroad; or

(2) the state highway district or local road authority that has jurisdiction over the roadway."

Page 1, line 8, delete "as an exempt crossing for purposes of" and insert "**under**".

Page 1, delete lines 10 through 15, begin a new paragraph and insert:

"Sec. 3. An abandoned or unused railroad grade crossing designated under section 2 of this chapter must be marked with signs reading "tracks out of service". The signs must:

(1) be posted and maintained by the department or the local road authority having jurisdiction over the roadway; and

(2) be in conformance with the Indiana Manual on Uniform Traffic Control Devices for Streets and Highways as adopted under IC 9-21-2-1.

Sec. 4. (a) The railroad shall provide the department and the local road authority having jurisdiction over a roadway with written notice at least thirty (30) days prior to resuming operation over an abandoned or unused railroad crossing. The notice must include a request that the signs posted under section 3 of this chapter be removed from the crossing.

(b) After removal of the signs under subsection (a), the railroad shall mark the railroad grade crossing for six (6) months with signs reading "train traffic resumed -- tracks in service".

Page 2, line 6, delete "as exempt".

Page 2, line 8, delete "an official exemption" and insert "**a "tracks out of service"**".

and when so amended that said bill do pass.

(Reference is to HB 1482 as introduced.)

KROMKOWSKI, Chair

Committee Vote: yeas 10, nays 0.

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