



January 15, 2010

SENATE BILL No. 73

DIGEST OF SB 73 (Updated January 13, 2010 5:06 pm - DI 71)

Citations Affected: IC 9-13; IC 9-21; IC 9-24.

Synopsis: Railroad flaggers, on-track equipment, and vehicle operation. Provides that a person who operates a vehicle and who fails to obey the instructions of a railroad flagman to stop the vehicle before approaching a location in which a train is or may be located commits a Class C infraction. Requires the driver of a vehicle to stop at a railroad crossing upon the approach of on-track equipment.

Effective: July 1, 2010.

Wyss, Arnold

January 5, 2010, read first time and referred to Committee on Homeland Security, Transportation & Veterans Affairs.
January 14, 2010, amended, reported favorably — Do Pass.

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SB 73—LS 6237/DI 96+



January 15, 2010

Second Regular Session 116th General Assembly (2010)

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 2009 Regular and Special Sessions of the General Assembly.

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SENATE BILL No. 73



A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

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

1 SECTION 1. IC 9-13-2-146.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2010]: **Sec. 146.5. "Railroad flagman", for**
4 **purposes of IC 9-21-8-41.7, has the meaning set forth in**
5 **IC 9-21-8-41.7(a).**

6 SECTION 2. IC 9-21-3-7 IS AMENDED TO READ AS FOLLOWS
7 [EFFECTIVE JULY 1, 2010]: Sec. 7. (a) Whenever traffic is controlled
8 by traffic control signals exhibiting different colored lights or colored
9 lighted arrows successively, one (1) at a time or in combination, only
10 the colors green, red, or yellow may be used, except for special
11 pedestrian signals under IC 9-21-18.

12 (b) The lights indicate and apply to drivers of vehicles and
13 pedestrians as follows:

- 14 (1) Green indication means the following:
 - 15 (A) Vehicular traffic facing a circular green signal may
 - 16 proceed straight through or turn right or left, unless a sign at
 - 17 the place prohibits either turn.

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- 1 (B) Vehicular traffic, including vehicles turning right or left,
- 2 shall yield the right-of-way to other vehicles and to pedestrians
- 3 lawfully within the intersection or an adjacent sidewalk at the
- 4 time the signal is exhibited.
- 5 (C) Vehicular traffic facing a green arrow signal, shown alone
- 6 or in combination with another indication, may cautiously
- 7 enter the intersection only to make the movement indicated by
- 8 the green arrow or other movement permitted by other
- 9 indications shown at the same time.
- 10 (D) Vehicular traffic shall yield the right-of-way to pedestrians
- 11 lawfully within an adjacent crosswalk and to other traffic
- 12 lawfully using the intersection.
- 13 (E) Unless otherwise directed by a pedestrian control signal,
- 14 pedestrians facing a green signal, except when the sole green
- 15 signal is a turn arrow, may proceed across the roadway within
- 16 a marked or unmarked crosswalk.
- 17 (2) Steady yellow indication means the following:
- 18 (A) Vehicular traffic facing a steady circular yellow or yellow
- 19 arrow signal is warned that the related green movement is
- 20 being terminated and that a red indication will be exhibited
- 21 immediately thereafter.
- 22 (B) A pedestrian facing a steady circular yellow or yellow
- 23 arrow signal, unless otherwise directed by a pedestrian control
- 24 signal, is advised that there is insufficient time to cross the
- 25 roadway before a red indication is shown, and a pedestrian
- 26 may not start to cross the roadway at that time.
- 27 (3) Steady red indication means the following:
- 28 (A) Except as provided in clause (B), vehicular traffic facing
- 29 a steady circular red **or red arrow** signal ~~alone~~ shall stop at a
- 30 clearly marked stop line. However, if there is no clearly
- 31 marked stop line, vehicular traffic shall stop before entering
- 32 the crosswalk on the near side of the intersection. If there is no
- 33 crosswalk, vehicular traffic shall stop before entering the
- 34 intersection and shall remain standing until an indication to
- 35 proceed is shown.
- 36 (B) Except when a sign is in place prohibiting a turn described
- 37 in this subdivision, vehicular traffic facing a steady red signal,
- 38 after coming to a complete stop, may cautiously enter the
- 39 intersection to do the following:
- 40 (i) Make a right turn.
- 41 (ii) Make a left turn if turning from the left lane of a
- 42 one-way street into another one-way street with the flow of

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traffic.

Vehicular traffic making a turn described in this subdivision shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic using the intersection.

(C) Unless otherwise directed by a pedestrian control signal pedestrians facing a steady circular red **or red arrow** signal ~~alone~~ may not enter the roadway.

(4) No indication or conflicting indications means the following:

(A) Vehicular traffic facing an intersection having a signal that displays no indication or conflicting indications, where no other control is present, shall stop before entering the intersection.

(B) After stopping, vehicular traffic may proceed with caution through the intersection and shall yield the right-of-way to traffic within the intersection or approaching so closely as to constitute an immediate hazard.

(5) This section applies to traffic control signals located at a place other than an intersection. A stop required under this subdivision must be made at the signal, except when the signal is supplemented by a sign or pavement marking indicating where the stop must be made.

SECTION 3. IC 9-21-8-39 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 39. Whenever a person who drives a vehicle approaches a railroad grade crossing, the person shall stop within fifty (50) feet but not less than fifteen (15) feet from the nearest track of the railroad and may not proceed until the person can do so safely under the following circumstances:

(1) When a clearly visible electric or mechanical signal device gives warning of the immediate approach of a train **or other on-track equipment**.

(2) When a crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a train **or other on-track equipment**.

(3) When a railroad train **or other on-track equipment** approaching within one thousand five hundred (1,500) feet of a highway crossing emits an audible signal and because of speed or nearness to the crossing is an immediate hazard.

(4) When an approaching train **or other on-track equipment** is plainly visible and is in hazardous proximity to the crossing.

SECTION 4. IC 9-21-8-40 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 40. (a) A person may not operate or move a caterpillar tractor, steam shovel, derrick, roller,

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1 or any equipment or structure weighing more than ten (10) tons and
2 having a normal operating speed of not more than six (6) miles per
3 hour or a vertical body or load clearance of less than nine (9) inches
4 above the level surface of a roadway upon or across tracks at a railroad
5 grade crossing without first complying with this section.

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

9 (c) Before making a crossing under this section, the person
10 operating or moving a vehicle or equipment described in subsection (a)
11 shall first stop the vehicle or equipment not less than ten (10) feet and
12 not more than fifty (50) feet from the nearest rail or the railway. While
13 stopped, the person shall listen and look in both directions along the
14 track for an approaching train **or other on-track equipment** and for
15 signals indicating the approach of a train **or other on-track**
16 **equipment**. The person shall not proceed until the crossing can be
17 made safely.

18 (d) A crossing may not be made when warning is given by
19 automatic signal, crossing gates, a flagman, or otherwise of the
20 immediate approach of a railroad train **or car or other on-track**
21 **equipment**.

22 SECTION 5. IC 9-21-8-41.7 IS ADDED TO THE INDIANA CODE
23 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
24 1, 2010]: **Sec. 41.7. (a) For purposes of this section, "railroad**
25 **flagman" has the meaning set forth in IC 8-9-2-1(i).**

26 **(b) A person who operates a vehicle shall obey the instructions**
27 **of a railroad flagman to stop the vehicle before approaching a**
28 **location in which a train or other on-track equipment is or may be**
29 **located.**

30 SECTION 6. IC 9-21-12-5 IS AMENDED TO READ AS
31 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 5. (a) This section does
32 not apply to the following:

- 33 (1) A street railway grade crossing within a business or residence
34 district.
- 35 (2) Abandoned or unused railroad grade crossings that are:
 - 36 (A) designated by the Indiana department of transportation
37 under IC 8-6-15-2; and
 - 38 (B) marked with a "tracks out of service" sign that complies
39 with the requirements of IC 8-6-15-3.
- 40 (b) A person who drives:
 - 41 (1) a motor vehicle carrying passengers for hire;
 - 42 (2) a school or private bus that is carrying passengers; or

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1 (3) a vehicle carrying explosive substances or flammable liquids
2 as a cargo or part of a cargo;
3 shall, before crossing at grade a track of a railroad, stop the vehicle not
4 more than fifty (50) feet and not less than fifteen (15) feet from the
5 nearest rail of the railroad.

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

- 8 (1) Listen through an open window or door.
- 9 (2) Look in both directions along the track for an approaching
10 train **or other on-track equipment** and for signals indicating the
11 approach of a train **or other on-track equipment**.
- 12 (3) Not proceed until the person can proceed safely.

13 After stopping, the person shall cross only in a gear of the vehicle so
14 there will be no necessity for changing gears while traversing the
15 crossing. The person who drives the vehicle may not shift gears while
16 crossing the track or tracks.

17 (d) If a police officer or traffic control signal directs traffic to
18 proceed at a railroad crossing, the person who drives a vehicle subject
19 to this section shall proceed in accordance with the instructions of the
20 police officer or traffic control signal.

21 SECTION 7. IC 9-21-12-17, AS AMENDED BY P.L.145-2009,
22 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 JULY 1, 2010]: Sec. 17. (a) Except as provided in subsection (b),
24 before crossing any railroad track at grade, the driver of a school bus
25 or special purpose bus shall stop the bus within fifty (50) feet but not
26 less than fifteen (15) feet from the nearest rail. While the bus is
27 stopped, the driver shall:

- 28 (1) listen through an open door;
- 29 (2) look in both directions along the track for an approaching train
30 **or other on-track equipment;** and
- 31 (3) look for signals indicating the approach of a train **or other**
32 **on-track equipment**.

33 The driver may not proceed until it is safe to proceed. When it is safe
34 to proceed, the driver shall select a gear that will allow the driver to
35 cross the tracks without changing gears. The driver may not shift gears
36 while crossing the tracks.

37 (b) The driver is not required to stop when a police officer is
38 directing the flow of traffic across railroad tracks.

39 (c) Upon conviction of a violation of this section, a driver shall have
40 the driver's operator's license suspended for a period of not less than
41 sixty (60) days in addition to the penalties provided by section 11 of
42 this chapter.

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1 SECTION 8. IC 9-21-17-2 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 2. Whenever special
3 pedestrian control signals exhibiting the words "walk" or "don't walk"
4 are in place, the signals must indicate as follows:

5 (1) Flashing or steady "walk" means a pedestrian facing the signal
6 may proceed across the roadway in the direction of the signal and
7 a person who drives a vehicle shall yield the right-of-way to the
8 pedestrian.

9 (2) ~~Flashing or Steady~~ "don't walk" means a pedestrian may not
10 start to cross the roadway in the direction of the signal. A
11 pedestrian who has partially completed crossing on the "walk"
12 signal shall proceed to a sidewalk or safety island while the "don't
13 walk" signal is showing.

14 **(3) Flashing "don't walk" means a pedestrian may not start
15 to cross the roadway in the direction of the signal. A
16 pedestrian who has already started to cross on the "walk"
17 signal shall proceed to a sidewalk or safety island. If a
18 countdown pedestrian signal indication is also shown, a
19 pedestrian may cross if the pedestrian is able to proceed to the
20 sidewalk or safety island by the time the steady "don't walk"
21 signal is shown, and a person who drives a vehicle shall yield
22 the right-of-way to the pedestrian.**

23 SECTION 9. IC 9-24-6-6, AS AMENDED BY P.L.1-2005,
24 SECTION 109, IS AMENDED TO READ AS FOLLOWS
25 [EFFECTIVE JULY 1, 2010]: Sec. 6. (a) The following, if committed
26 while driving a commercial motor vehicle, are serious traffic violations:

27 (1) Operating a vehicle at least fifteen (15) miles per hour above
28 the posted speed limit in violation of IC 9-21-5, IC 9-21-6, or
29 IC 9-21-5-14.

30 (2) Operating a vehicle recklessly as provided in IC 9-21-8-50 and
31 IC 9-21-8-52.

32 (3) Improper or erratic traffic lane changes in violation of
33 IC 9-21-8-2 through IC 9-21-8-13 and IC 9-21-8-17 through
34 IC 9-21-8-18.

35 (4) Following a vehicle too closely in violation of IC 9-21-8-14
36 through IC 9-21-8-16.

37 (5) In connection with a fatal accident, violating any statute,
38 ordinance, or rule concerning motor vehicle traffic control other
39 than parking statutes, ordinances, or rules.

40 (6) Operating a vehicle while disqualified under this chapter.

41 (7) For drivers who are not required to always stop at a railroad
42 crossing, failing to do any of the following:

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- 1 (A) Slow down and determine that the railroad tracks are clear
- 2 of an approaching train **or other on-track equipment**, in
- 3 violation of IC 9-21-5-4, IC 9-21-8-39, IC 35-42-2-4, or any
- 4 similar statute.
- 5 (B) Stop before reaching the railroad crossing, if the railroad
- 6 tracks are not clear of an approaching train **or other on-track**
- 7 **equipment**, in violation of IC 9-21-4-16, IC 9-21-8-39, or any
- 8 similar statute.
- 9 (8) For all drivers, whether or not they are required to always stop
- 10 at a railroad crossing, to do any of the following:
- 11 (A) Stopping in a railroad crossing, in violation of
- 12 IC 9-21-8-50 or any similar statute.
- 13 (B) Failing to obey a traffic control device or failing to obey
- 14 the directions of a law enforcement officer at a railroad
- 15 crossing, in violation of IC 9-21-8-1 or any similar statute.
- 16 (C) Stopping in a railroad crossing because of insufficient
- 17 undercarriage clearance, in violation of IC 35-42-2-4,
- 18 IC 9-21-8-50, or any similar statute.
- 19 (b) Subsection (a)(1) and (a)(8) is intended to comply with the
- 20 provisions of 49 U.S.C. 31311(a)(10) and regulations adopted under
- 21 that statute.

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COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Transportation and Veterans Affairs, to which was referred Senate Bill No. 73, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

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

"SECTION 2. IC 9-21-3-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 7. (a) Whenever traffic is controlled by traffic control signals exhibiting different colored lights or colored lighted arrows successively, one (1) at a time or in combination, only the colors green, red, or yellow may be used, except for special pedestrian signals under IC 9-21-18.

(b) The lights indicate and apply to drivers of vehicles and pedestrians as follows:

(1) Green indication means the following:

(A) Vehicular traffic facing a circular green signal may proceed straight through or turn right or left, unless a sign at the place prohibits either turn.

(B) Vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent sidewalk at the time the signal is exhibited.

(C) Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by the green arrow or other movement permitted by other indications shown at the same time.

(D) Vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

(E) Unless otherwise directed by a pedestrian control signal, pedestrians facing a green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within a marked or unmarked crosswalk.

(2) Steady yellow indication means the following:

(A) Vehicular traffic facing a steady circular yellow or yellow arrow signal is warned that the related green movement is being terminated and that a red indication will be exhibited immediately thereafter.

(B) A pedestrian facing a steady circular yellow or yellow arrow signal, unless otherwise directed by a pedestrian control

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signal, is advised that there is insufficient time to cross the roadway before a red indication is shown, and a pedestrian may not start to cross the roadway at that time.

(3) Steady red indication means the following:

(A) Except as provided in clause (B), vehicular traffic facing a steady circular red **or red arrow** signal ~~alone~~ shall stop at a clearly marked stop line. However, if there is no clearly marked stop line, vehicular traffic shall stop before entering the crosswalk on the near side of the intersection. If there is no crosswalk, vehicular traffic shall stop before entering the intersection and shall remain standing until an indication to proceed is shown.

(B) Except when a sign is in place prohibiting a turn described in this subdivision, vehicular traffic facing a steady red signal, after coming to a complete stop, may cautiously enter the intersection to do the following:

(i) Make a right turn.

(ii) Make a left turn if turning from the left lane of a one-way street into another one-way street with the flow of traffic.

Vehicular traffic making a turn described in this subdivision shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic using the intersection.

(C) Unless otherwise directed by a pedestrian control signal pedestrians facing a steady circular red **or red arrow** signal ~~alone~~ may not enter the roadway.

(4) No indication or conflicting indications means the following:

(A) Vehicular traffic facing an intersection having a signal that displays no indication or conflicting indications, where no other control is present, shall stop before entering the intersection.

(B) After stopping, vehicular traffic may proceed with caution through the intersection and shall yield the right-of-way to traffic within the intersection or approaching so closely as to constitute an immediate hazard.

(5) This section applies to traffic control signals located at a place other than an intersection. A stop required under this subdivision must be made at the signal, except when the signal is supplemented by a sign or pavement marking indicating where the stop must be made.

SECTION 3. IC 9-21-8-39 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 39. Whenever a person

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who drives a vehicle approaches a railroad grade crossing, the person shall stop within fifty (50) feet but not less than fifteen (15) feet from the nearest track of the railroad and may not proceed until the person can do so safely under the following circumstances:

(1) When a clearly visible electric or mechanical signal device gives warning of the immediate approach of a train **or other on-track equipment.**

(2) When a crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a train **or other on-track equipment.**

(3) When a railroad train **or other on-track equipment** approaching within one thousand five hundred (1,500) feet of a highway crossing emits an audible signal and because of speed or nearness to the crossing is an immediate hazard.

(4) When an approaching train **or other on-track equipment** is plainly visible and is in hazardous proximity to the crossing.

SECTION 4. IC 9-21-8-40 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 40. (a) A person may not operate or move a caterpillar tractor, steam shovel, derrick, roller, or any equipment or structure weighing more than ten (10) tons and having a normal operating speed of not more than six (6) miles per hour or a vertical body or load clearance of less than nine (9) inches above the level surface of a roadway upon or across tracks at a railroad grade crossing without first complying with this section.

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

(c) Before making a crossing under this section, the person operating or moving a vehicle or equipment described in subsection (a) shall first stop the vehicle or equipment not less than ten (10) feet and not more than fifty (50) feet from the nearest rail or the railway. While stopped, the person shall listen and look in both directions along the track for an approaching train **or other on-track equipment** and for signals indicating the approach of a train **or other on-track equipment.** The person shall not proceed until the crossing can be made safely.

(d) A crossing may not be made when warning is given by automatic signal, crossing gates, a flagman, or otherwise of the immediate approach of a railroad train ~~or car~~ **or other on-track equipment."**

Page 1, line 12, after "train" insert "**or other on-track equipment**".

Page 1, after line 12, begin a new paragraph and insert:

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"SECTION 6. IC 9-21-12-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 5. (a) This section does not apply to the following:

- (1) A street railway grade crossing within a business or residence district.
- (2) Abandoned or unused railroad grade crossings that are:
 - (A) designated by the Indiana department of transportation under IC 8-6-15-2; and
 - (B) marked with a "tracks out of service" sign that complies with the requirements of IC 8-6-15-3.
- (b) A person who drives:
 - (1) a motor vehicle carrying passengers for hire;
 - (2) a school or private bus that is carrying passengers; or
 - (3) a vehicle carrying explosive substances or flammable liquids as a cargo or part of a cargo;

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

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

- (1) Listen through an open window or door.
- (2) Look in both directions along the track for an approaching train **or other on-track equipment** and for signals indicating the approach of a train **or other on-track equipment**.
- (3) Not proceed until the person can proceed safely.

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

(d) If a police officer or traffic control signal directs traffic to proceed at a railroad crossing, the person who drives a vehicle subject to this section shall proceed in accordance with the instructions of the police officer or traffic control signal.

SECTION 7. IC 9-21-12-17, AS AMENDED BY P.L.145-2009, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 17. (a) Except as provided in subsection (b), before crossing any railroad track at grade, the driver of a school bus or special purpose bus shall stop the bus within fifty (50) feet but not less than fifteen (15) feet from the nearest rail. While the bus is stopped, the driver shall:

- (1) listen through an open door;
- (2) look in both directions along the track for an approaching train

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or other on-track equipment; and

(3) look for signals indicating the approach of a train **or other on-track equipment.**

The driver may not proceed until it is safe to proceed. When it is safe to proceed, the driver shall select a gear that will allow the driver to cross the tracks without changing gears. The driver may not shift gears while crossing the tracks.

(b) The driver is not required to stop when a police officer is directing the flow of traffic across railroad tracks.

(c) Upon conviction of a violation of this section, a driver shall have the driver's operator's license suspended for a period of not less than sixty (60) days in addition to the penalties provided by section 11 of this chapter.

SECTION 8. IC 9-21-17-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 2. Whenever special pedestrian control signals exhibiting the words "walk" or "don't walk" are in place, the signals must indicate as follows:

(1) Flashing or steady "walk" means a pedestrian facing the signal may proceed across the roadway in the direction of the signal and a person who drives a vehicle shall yield the right-of-way to the pedestrian.

(2) ~~Flashing~~ or Steady "don't walk" means a pedestrian may not start to cross the roadway in the direction of the signal. A pedestrian who has partially completed crossing on the "walk" signal shall proceed to a sidewalk or safety island while the "don't walk" signal is showing.

(3) Flashing "don't walk" means a pedestrian may not start to cross the roadway in the direction of the signal. A pedestrian who has already started to cross on the "walk" signal shall proceed to a sidewalk or safety island. If a countdown pedestrian signal indication is also shown, a pedestrian may cross if the pedestrian is able to proceed to the sidewalk or safety island by the time the steady "don't walk" signal is shown, and a person who drives a vehicle shall yield the right-of-way to the pedestrian.

SECTION 9. IC 9-24-6-6, AS AMENDED BY P.L.1-2005, SECTION 109, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 6. (a) The following, if committed while driving a commercial motor vehicle, are serious traffic violations:

(1) Operating a vehicle at least fifteen (15) miles per hour above the posted speed limit in violation of IC 9-21-5, IC 9-21-6, or IC 9-21-5-14.

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- (2) Operating a vehicle recklessly as provided in IC 9-21-8-50 and IC 9-21-8-52.
- (3) Improper or erratic traffic lane changes in violation of IC 9-21-8-2 through IC 9-21-8-13 and IC 9-21-8-17 through IC 9-21-8-18.
- (4) Following a vehicle too closely in violation of IC 9-21-8-14 through IC 9-21-8-16.
- (5) In connection with a fatal accident, violating any statute, ordinance, or rule concerning motor vehicle traffic control other than parking statutes, ordinances, or rules.
- (6) Operating a vehicle while disqualified under this chapter.
- (7) For drivers who are not required to always stop at a railroad crossing, failing to do any of the following:
 - (A) Slow down and determine that the railroad tracks are clear of an approaching train **or other on-track equipment**, in violation of IC 9-21-5-4, IC 9-21-8-39, IC 35-42-2-4, or any similar statute.
 - (B) Stop before reaching the railroad crossing, if the railroad tracks are not clear of an approaching train **or other on-track equipment**, in violation of IC 9-21-4-16, IC 9-21-8-39, or any similar statute.
- (8) For all drivers, whether or not they are required to always stop at a railroad crossing, to do any of the following:
 - (A) Stopping in a railroad crossing, in violation of IC 9-21-8-50 or any similar statute.
 - (B) Failing to obey a traffic control device or failing to obey the directions of a law enforcement officer at a railroad crossing, in violation of IC 9-21-8-1 or any similar statute.
 - (C) Stopping in a railroad crossing because of insufficient undercarriage clearance, in violation of IC 35-42-2-4, IC 9-21-8-50, or any similar statute.

(b) Subsection (a)(1) and (a)(8) is intended to comply with the provisions of 49 U.S.C. 31311(a)(10) and regulations adopted under that statute."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 73 as introduced.)

WYSS, Chairperson

Committee Vote: Yeas 8, Nays 0.

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