

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:

- 1 Page 1, between lines 5 and 6, begin a new paragraph and insert:
2 "SECTION 2. IC 9-21-3-7 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 7. (a) Whenever traffic
4 is controlled by traffic control signals exhibiting different colored lights
5 or colored lighted arrows successively, one (1) at a time or in
6 combination, only the colors green, red, or yellow may be used, except
7 for special pedestrian signals under IC 9-21-18.
8 (b) The lights indicate and apply to drivers of vehicles and
9 pedestrians as follows:
10 (1) Green indication means the following:
11 (A) Vehicular traffic facing a circular green signal may
12 proceed straight through or turn right or left, unless a sign at
13 the place prohibits either turn.
14 (B) Vehicular traffic, including vehicles turning right or left,
15 shall yield the right-of-way to other vehicles and to pedestrians
16 lawfully within the intersection or an adjacent sidewalk at the
17 time the signal is exhibited.
18 (C) Vehicular traffic facing a green arrow signal, shown alone
19 or in combination with another indication, may cautiously
20 enter the intersection only to make the movement indicated by

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

1 adjacent crosswalk and to other traffic using the intersection.

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

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

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

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

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

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

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

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

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

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

37 SECTION 4. IC 9-21-8-40 IS AMENDED TO READ AS
38 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 40. (a) A person may

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

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

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

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

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

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

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

28 (1) A street railway grade crossing within a business or residence
 29 district.

30 (2) Abandoned or unused railroad grade crossings that are:

31 (A) designated by the Indiana department of transportation
 32 under IC 8-6-15-2; and

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

35 (b) A person who drives:

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

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

38 (3) a vehicle carrying explosive substances or flammable liquids

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

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

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

8 (2) Look in both directions along the track for an approaching
 9 train **or other on-track equipment** and for signals indicating the
 10 approach of a train **or other on-track equipment**.

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

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

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

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

27 (1) listen through an open door;

28 (2) look in both directions along the track for an approaching train
 29 **or other on-track equipment;** and

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

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

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

38 (c) Upon conviction of a violation of this section, a driver shall have

1 the driver's operator's license suspended for a period of not less than
 2 sixty (60) days in addition to the penalties provided by section 11 of
 3 this chapter.

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

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

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

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

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

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

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

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

38 (4) Following a vehicle too closely in violation of IC 9-21-8-14

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

1 provisions of 49 U.S.C. 31311(a)(10) and regulations adopted under
2 that statute."

3 Renumber all SECTIONS consecutively.
(Reference is to SB 73 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

Wyss

Chairperson