

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 2012 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1037

AN ACT to amend the Indiana Code concerning motor vehicles.

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

SECTION 1. IC 8-6-7.6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. (a) Except as provided in subsection (b) or in a rule adopted by the Indiana department of transportation, each railroad in the State of Indiana shall maintain each public crossing under its control in such a manner that the operator of any licensed motor vehicle has an unobstructed view for fifteen hundred (1,500) feet in both directions along the railroad right-of-way subject only to terrain elevations or depressions, track curvature, or permanent improvements. However, the Indiana department of transportation may adopt rules under IC 4-22-2 to adjust the distance of the unobstructed view requirement under this subsection based on variances in train speeds, number of tracks, angles of highway and rail crossing intersections, elevations, and other factors consistent with accepted engineering practices.

(b) A public crossing equipped with a train activated crossing gate is exempt from the requirements of subsection (a), if the railroad maintains an unobstructed view for at least two hundred fifty (250) feet in both directions along the railroad right-of-way.

(c) This section expires on the date on which rules described in section 1.1 of this chapter are finally adopted.

SECTION 2. IC 8-6-7.6-1.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY

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1, 2013]: **Sec. 1.1. The Indiana department of transportation shall adopt rules under IC 4-22-2 to do the following:**

(1) Establish minimum distances to which a railroad must maintain, for the benefit of operators of licensed motor vehicles, an unobstructed view from the railroad right-of-way at a public railroad crossing that is under the control of the railroad. In establishing minimum distances under this subdivision, the Indiana department of transportation shall take into account safety measures in place at a public crossing, including train activated warning devices and federal railroad track classifications.

(2) Provide exceptions to minimum distances required under subdivision (1) based on variances in terrain, elevations, track curvature, and permanent improvements at or near a public crossing.

(3) Develop a method to determine and verify a minimum distance required under subdivision (1). The method must:

- (A) be consistent with accepted engineering practices; and**
- (B) produce results capable of replication.**

SECTION 3. IC 8-6-7.6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 2. A railroad that violates the provisions section 1 of this chapter shall be held liable therefor to the State of Indiana in a penalty of one hundred dollars (\$100) a day for each day the violation continues subject to a maximum fine of five thousand dollars (\$5,000), to be recovered in a civil action at the suit of said state, in the circuit or superior court of any county wherein such crossing may be located. This section expires on the date on which rules described in section 1.1 of this chapter are finally adopted.**

SECTION 4. IC 8-6-7.6-2.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 2.1. A railroad that violates a rule adopted under section 1.1 of this chapter is subject to a civil penalty of one hundred dollars (\$100) for each day the violation continues. The maximum penalty under this section is five thousand dollars (\$5,000). The Indiana department of transportation may bring an action to recover a civil penalty under this section in the circuit or superior court of the county in which the crossing that is the subject of the violation is located.**



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Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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